

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

**MADELYN FRANKLIN and
LAWRENCE FRANKLIN,**

Plaintiffs,

V.

Case No: 2:12-CV-291-FtM-29SPC

**JOHNSON & JOHNSON, INC. and
DEPUY ORTHOPAEDICS, INC.**

Defendants.

_____ /

ORDER

This matter comes before the Court on the Defendant Johnson & Johnson, Inc.'s Notice (Doc. #4) filed on May 31, 2012. The Defendant's Notice states that Johnson & Johnson, Inc. is not the proper defendant to this action. However, the Notice was filed by Kay Baldwin, the corporation's comptroller. Under Local Rule 2.03(e), a corporation may appear and be heard only through counsel admitted to the Court pursuant to Local Rule 2.01 or 2.02. The rule is well established that a corporation is an artificial entity that can only be represented through its agents. Palazzo v. Gulf Oil Corp., 764 F.2d 1382, 1385 (11th Cir. 1985). It cannot appear in judicial proceedings *pro se* but must instead be represented by licensed counsel. Id. The general rule that corporations must be represented by an attorney in judicial actions applies even where the person seeking to represent the corporation is its president and/or major stock holder. Id.

Because Kay Baldwin is not an attorney admitted to practice before this Court, the Notice is due be stricken from the record. If the Defendant wishes to establish that it is not the proper defendant in this case, then the Defendant must do so through counsel in compliance with the Federal and Local Rules.

Accordingly, it is now

ORDERED:

The Defendant Johnson & Johnson, Inc.'s Notice (Doc. #4) is hereby **STRICKEN** from the record. The Clerk of the Court is directed to remove the Notice (Doc. # 4) from the docket sheet.

DONE and **ORDERED** in Fort Myers, Florida this 7th Day of June, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record